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November 12, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Portals II, 445 12th Street, SW, Suite TW-A325
Washington, D.C. 20554

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RE: CC Docket No. 98-170, Petition for Waiver of November 12, 1999 Truth-In-Billing Date

Enclosed is the Petition of Several Telephone Companies (hereafter the Companies) hereby requesting a temporary waiver until April 1, 2000 of the November 12, 1999 requirement to comply with the Truth-In-Billing rules. This filing was made electronically on November 12, 1999. However, a signed copy of the petition is now being filed.

An original and four copies are being filed. Please return the stamp copy in the SASE.

Respectively submitted,

Jeffrey H. Smith
GVNW Consulting, Inc.

Attachments

Cc:

Lawrence Strickling, Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 5-C450
Washington, D.C. 20554

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Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
the Petition of Several)
Telephone Companies Request for)
Waiver of Truth-In-Billing)
And Billing Format Implementation)
Deadline)

CC Docket No. 98-170

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PETITION OF SEVERAL TELEPHONE COMPANIES
FOR LIMITED WAIVER OF THE TRUTH-IN-BILLING
IMPLEMENTATION DATE

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Date Submitted: November 12, 1999

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	
the Petition of Several)	
Telephone Companies Request for)	CC Docket No. 98-170
Waiver of Truth-In-Billing)	
And Billing Format Implementation)	
Deadline)	

PETITION OF SEVERAL TELEPHONE COMPANIES
FOR LIMITED WAIVER OF THE TRUTH-IN-BILLING AND BILLING FORMAT
IMPLEMENTATION DATE

Several Telephone Companies, see Attachment A, (hereinafter "The Companies"), by their consultant, hereby request a temporary waiver (until April 1, 2000) of certain portions of section 64.2401 of the Commission's "truth-in-billing" rules, which are scheduled to take effect on November 12, 1999.¹ A waiver is needed because: 1) the Companies indicate that the additional programming changes needed to comply fully with the rules may well jeopardize their year 2000 (Y2K) remediation efforts, and 2) the Commission has yet to decide on the status of several pending industry requests for modification.

Background

In April 1999, the Commission adopted particular truth-in-billing rules that require telecommunications carriers to provide certain basic information to consumers. The new rules specify that bills must be clearly organized, including both the name of the service provider

¹ See In the Matter of Truth-In-Billing and Billing Format, CC Docket 98-170, First Report and Order and Further Notice of Proposed Rulemaking, FCC 99-72, rel. May 11, 1999, 64 Fed. Reg. 34488 (1999); Errata, CC Docket 98-170, DA 99-2092, (rel. Oct. 6, 1999), 64 Fed. Reg. 56177 (1999).

associated with each charge, and a description of billed charges. When charges for two or more service providers appear on a bill, the billing entity must separate the charges by service provider. In the event there is a change in a service provider, a clear and conspicuous notification of such change must appear on the bill. In cases when a bill includes charges for both basic local service and other charges, carriers must clearly indicate when non-payment of certain charges will result in disconnection of basic local service. Finally, telephone bills must clearly and conspicuously display any information a customer may need to contest charges, or inquire about a bill.²

After reviewing the new rules, the Federal Office of Management and Budget (OMB) expressed its concern that some of the requirements "could impair the efforts of some telecommunications carriers and providers, particularly small and medium-sized carriers, to ensure that their systems are Y2K compliant". Consequently, the Commission deferred the effective date for compliance with rule 64.2401(a)(1)'s requirement that carriers highlight new service providers, and rule 64.2401(c), which requires that carriers identify deniable and non-deniable charges, until April 1, 2000.³

Waiver Request

The Companies respectfully request an additional waiver until April 1, 2000, of the requirement that carriers separate charges on bills by service provider as mandated by sections 64.2401(a)(1) and (2), and section 64.2401(d). In order to identify individual service providers

² 47 C.F.R. § 64.2401 (a) through (d).

³ See Enforcement Division of the Common Carrier Bureau Announces Effective Date of Truth-In-Billing Requirements in CC Docket 98-170, *Public Notice*, DA 99-2030 (rel. Sept. 30, 1999) (Public Notice). These rules are also in part the subject of a Petition for Reconsideration filed recently by United States Telecom Association

and ensure that the appropriate toll free number is listed on the bill, the Companies will need to have their billing vendors reprogram their billing system(s) to read "sub-CIC" information that identifies individual service providers.⁴ The Companies' billing vendors are currently in the process of programming billing systems to assure compliance with Y2K standards or have recently completed this effort. If the Commission insists on full compliance with the truth-in-billing rules by November 12th, the Companies' billing vendors will be reprogramming the same software. This would be an infeasible task for the billing vendors and would threaten Y2K preparedness. The Companies submit the public's interest is best served by not compromising Y2K efforts.

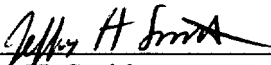
Conclusion

Accordingly, the Companies respectfully request the Commission to waive the separate service provider identification requirement, and disclosure of billing inquiry information requirements, of section 64.2401 of the Commission's rules until April 1, 2000. The Companies are working diligently in responding to their Y2K compliance tasks and recognize the importance of implementing the new truth-in-billing rules. The requested waiver will allow limited additional time for the Companies' billing vendors to meet the requirements. Customers will not be harmed by grant of this waiver. The Companies will continue to provide the appropriate information necessary to address customers' billing inquiries and will work aggressively towards full implementation of section 64.2401 by April 1, 2000.

(USTA). See In the Matter of Truth-In-Matter and Billing Format, CC Docket 98-170, The United States Telephone Association's Petition for Reconsideration, filed July 26, 1999.

⁴ Sub-CICs are secondary carriers sharing Carrier Identification Codes (CICs) with other carriers, and whose identities are passed from the clearinghouse to the billing carrier.

Grant of this waiver will allow the Companies' billing vendors to continue to devote the needed resources to Y2K efforts, thus eliminating the risk of non-Y2K programming changes for a reasonable period of time. The Companies' billing vendors will then be able to direct more fully their efforts to comply with the requirements of section 64.2401 of the Commission's rules. Accordingly, the Companies believe these circumstances fulfill the requirements of Section 1.3⁵ of the Commission's rules for granting of waivers.

By 
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⁵ "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where: (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. *Northeast Cellular Telephone Co., v. FCC*, 897 F. 2d 1164, 1166 (D.C. Cir. 1990).

ATTACHMENT A

Albion Telephone Company, Inc.
Alhambra-Grantfork Telephone Company
Baca Valley Telephone Company, Inc.
Bear Lake Communications, Inc.
BPS Telephone Company
Cambridge Telephone Company
Canby Telephone Association
Central Utah Telephone, Inc.
Citizens Telephone Company
Clear Creek Mutual Telephone Company
Colorado Valley Telephone Cooperative, Inc.
Crossville Telephone Company
Council Telephone Company
Dell Telephone Cooperative, Inc.
Diversified Communications, Inc.
Eagle Telephone System, Inc.
Emery Telephone
Filer Mutual Telephone Company
Flat Rock Telephone Co-op, Inc.
Fremont Telecom, Inc.
Gervais Telephone Company
Glasford Telephone Company
Green Hills Telephone Corporation
Hancock Telecom
Kalona Cooperative Telephone Company
La Jicarita Rural Telephone Cooperative, Inc.
Le Ward Telephone Exchange, Inc.
Leaf River Telephone Company
Manti Telephone Company
McDonald County Telephone Company
McNabb Telephone Company
Monitor Cooperative Telephone Company
Nehalem Telephone & Telegraph Company
New Windsor Telephone Company, Inc.
Pend Oreille Telephone Company
Pine Telephone System, Inc.
Reynolds Telephone Company
Rico Telephone Company
Rockland Telephone Company
Roosevelt County Rural Telephone Cooperative, Inc.

Several Telephone Companies Petition for Waiver
November 12, 1999

Rural Telephone Company, Inc. - Idaho
Rural Telephone Company, Inc. - Nevada
Shawnee Telephone Company
Skyline Telecom
South Central Utah Telephone Association
Uintah Basin Telephone Association
Viola Home Telephone Company
Wabash Telephone Cooperative, Inc.
Westel Telephone Company